



Winston H. Hickox
Secretary for
Environmental
Protection

State Water Resources Control Board

Division of Water Rights

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FAX (916) 341-5400 • Web Site Address: <http://www.swrcb.ca.gov>
Division of Water Rights: <http://www.waterrights.ca.gov>



Gray Davis
Governor

NOTICE OF APPLICATION TO APPROPRIATE WATER BY PERMIT

APPLICATION: 31373

DATE FILED: September 11, 2002

Notice is hereby given that Walter C. Flowers and Joan E. Flowers have filed an application for a water right permit for diversion of water from South Fork Gualala River, tributary to the Gualala River thence the Pacific Ocean in Sonoma County. The State Water Resources Control Board (SWRCB) will determine whether a water right permit should be issued for the application and, if so, whether conditions should be included in the permit to protect the environment and other downstream water users. This notice provides a description of the proposed project and also describes the procedure and time frame for submittal of a protest against the application. This notice and future notices of applications to appropriate water by permit, may be viewed and printed from the Division of Water Rights (Division) web-site at www.waterrights.ca.gov. Any correspondence to the applicant shall be mailed to:

Walter C. Flowers and Joan E. Flowers
c/o Drew L. Aspegren
Napa Valley Vineyard Engineering
176 Main Street, Suite B
St. Helena, CA 94574

DESCRIPTION OF THE PROJECT

The applicant proposes to divert 13 acre-feet (af) of water to two off-stream reservoirs. Water will be diverted to an existing 8 acre-foot reservoir that is currently operated under a riparian right (S14299), and a proposed 5 af reservoir. The water will be used for irrigation and frost protection of approximately 35 acres of existing vineyard, and for domestic use at three residences including landscape irrigation.

The water will be diverted from the existing point of diversion under a Riparian Right (POD). Approximately 2300 feet of pipe will be installed between the existing reservoir and proposed reservoir. The applicant also proposes to upgrade the existing 3-inch piping from the POD to the existing reservoir to 8-inch pipe.

The diversion is proposed from the South Fork Gualala River tributary to the Gualala River thence the Pacific Ocean in Sonoma County. The collection season will be from December 15 to March 31 of the succeeding year.

According to Water Code section 1348, a minor project diverts less than or equal to 3 cubic feet per second (cfs) by direct diversion or 200 af per year by storage. A major project diverts greater than 3 cfs by direct diversion or 200 af per year by storage.

This is a "minor" project (less than 3 cfs by direct diversion or 200 af per year by storage) as defined by section 1348 of the Water Code.

"The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>."

Additional copies of this form and water right information can be obtained at www.waterrights.ca.gov.

APPLICATION 31373

Page 2

APPLICATION INFORMATION

The applicant proposes to divert water from the South Fork Gualala River tributary to the Gualala River thence the Pacific Ocean.

The Point of Diversion is located within the NW¼ of NE¼ of section 7, T8N, R12W, MDB&M.

The diversion and place of use are located within the County of Sonoma.

Amount of water applied for: 13 af per year (Storage).

Water will be used for: Irrigation, Frost Protection, and Domestic Use, including Landscape Irrigation and Dust Control.

The applicant has requested to divert water from: December 15 to March 31.

Place of Use is described as follows:

Use Within	Section	Township	Range	B & M	Acres	Cultivated
NE¼ of NW¼	7	8N	12W	MD	5	Yes
SE¼ of NW¼	7	8N	12W	MD	31	Yes

ENVIRONMENTAL INFORMATION

The lead agency will prepare the appropriate environmental documents for the project according to the California Environmental Quality Act (CEQA) and its guidelines, and will determine whether or not the project will cause a significant effect on the environment. If you are not filing a protest, but wish to submit information which indicates that the project may cause a significant effect on the environment, please send this information to Mr. Steve Herrera, SWRCB, Division of Water Rights, P.O. Box 2000, Sacramento, CA 95812-2000. This information will be reviewed in accordance with CEQA.

PROCEDURE FOR SUBMITTING PROTESTS

Any person may file a protest against the application. Protests should be submitted on standard protest forms available from the Division's web-site at www.waterrights.ca.gov/forms/, but can be submitted in letter form. A pamphlet that provides additional information relating to water rights and the procedure for filing protests can be obtained from the contact person listed below. The protest should be submitted to:

Susan Wilson
State Water Resources Control Board
Division of Water Rights
P.O. Box 2000
Sacramento, CA 95812-2000

In addition, the protestant must send a copy of the protest to the applicant.

Protests filed in response to this notice must either be postmarked, or received in the office of the SWRCB's Division of Water Rights (1001 "I" Street, 14th Floor, Sacramento, CA) **by 3:00 p.m.** on the **40th day** after the date of this notice. Due to the constraints of the noticing period, protests may be filed by FAX at (916) 341-5400. However, an original copy of all materials must be received for the SWRCB to

consider your protest. For good cause, the SWRCB may grant an extension of time to file a protest. It is the protestant's responsibility to contact the engineer listed below and receive an extension of time to submit the protest prior to the final filing date and time. The SWRCB will respond to all protests within 60 days of the final day to file a protest.

PROTEST REQUIREMENTS

Parties may file protests based on any of the following factors:

- Injury to existing water rights.
- Adverse environmental impact.
- Not in the public interest.
- Contrary to law.
- Not within the jurisdiction of the SWRCB.

All protests must clearly describe the objections to approval of the application and the factual basis for those objections. If the objection is based on injury to existing water rights, the protest must describe the specific injury to the existing water right that would result from approval of the application. In addition, the party claiming injury to prior water rights must provide specific information that describes the basis of the existing right, the date the use began, the quantity of water used, the purpose of use and the place of use. Please note that any water right permit issued by the SWRCB is subject to and includes conditions to protect vested water rights.

If the protest is based on environmental grounds, or other factors listed above, the protest must be accompanied by a statement of facts supporting the basis of the protest. The protest shall include a description of any measures that could be taken to resolve the protest, including modification of the application (i.e., amount, season of diversion, etc.) or conditions (i.e., fish bypass flow, measuring device, etc.) that could be included in the water right permit. If sufficient information is not submitted, the SWRCB may reject the protest or request that the protestant submit additional information.

RESOLUTION OF PROTESTS

The protestant(s) and the applicant are encouraged to discuss methods that could be used to resolve the protest. If the protest(s) can not be resolved, the SWRCB may conduct a field investigation for minor projects, or hold a water right hearing for major projects.

CONTACT PERSON

To obtain additional information regarding this project, or to obtain copies of the protest forms or pamphlet, please contact Susan Wilson by phone at (916) 341-5315 or by electronic mail at swilson@waterrights.swrcb.ca.gov. Protest forms may also be obtained from the Division's web-site at www.waterrights.ca.gov/forms/.

DATE OF NOTICE: April 4, 2003